

## **REMARKS**

Upon entry of this amendment, claims 3-12, 16 and 17 are all the claims pending in the application. Claims 1, 2 and 13-15 have been canceled by this amendment. Claims 16 and 17 have been added as new claims. No new matter has been added.

### **I. Objections to the Specification**

The Examiner has objected to the title of the invention and to the abstract for the reasons set forth on page 2 of the Office Action. Applicants have amended the title and the abstract so as to address the Examiner's comments in the Office Action. Accordingly, Applicants kindly request that the Examiner reconsider and withdraw the objections to the specification.

### **II. Claim Rejections under 35 U.S.C. § 112, second paragraph**

Claims 1-15 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. In particular, the Examiner has indicated that the updating of the location information in the claims appears to be redundant, and that it is unclear as to what type of update is taking place.

By this amendment, Applicants note that the claims have been modified in view of the Examiner's comments so as to clearly describe the updating procedure that is being carried out. Applicants respectfully submit that when read in light of the specification, one of ordinary skill in the art would readily be able to ascertain the meaning and scope of the

claims. Accordingly, Applicants kindly request that the rejection under 35 U.S.C. § 112, second paragraph be reconsidered and withdrawn.

### **III. Claim Rejections under 35 U.S.C. § 102 and § 103(a)**

Claims 1, 2, 4, 5, 11 and 13-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by Howard (U.S. 2002/0078244); claims 3 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Howard in view of Nakashima et al. (U.S. 5,930,825); claims 6-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Howard in view of the Applicants' Admitted Prior Art; and claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Howard in view of Yoo (U.S. 2002/0059570).

By this amendment, Applicants note that claim 3 has been amended so as to include substantially all of the limitations of claims 1 and 2, and claims 1 and 2 have been canceled.

Regarding claim 3, Applicants note that this claim is drawn to a file-update apparatus and recites the features of an ID recording unit operable, before the updating of the file, to read unique medium identifier information from a first recording medium, and to hold the medium identifier information within the file-update apparatus; and a recovery suppressing unit operable to read medium identifier information from a removable recording medium mounted in the file-update apparatus, compare the read medium identifier information with the held medium identifier information, and suppress the updating of the location information by the recovery unit if the read medium identifier information does not match the held medium identifier information.

In the Office Action, the Examiner has recognized that Howard does not disclose or suggest the above-noted features. The Examiner, however, has applied Nakashima and has taken the position that Nakashima cures the deficiencies of Howard. Applicants respectfully disagree.

In particular, regarding Nakashima, Applicants note that this reference discloses a method for preventing the unauthorized use of software in which a correspondence table for an inserted optical disk is compared to a correspondence table for an original optical disk, wherein each of the correspondence tables shows a correspondence between the logical and physical addresses of an application program (see col. 7, lines 20-37).

As explained in Nakashima, if the inserted optical disk is the original optical disk, then the two correspondence tables will agree (see col. 7, lines 38-40). If, however, the two correspondence tables do not agree, then execution of the software on the inserted disk is inhibited, thereby preventing the unauthorized copying of the software (see col. 8, lines 23-28).

Based on the foregoing description of Nakashima, Applicants note that while Nakashima may disclose the ability to analyze a correspondence table of an inserted disk in order to determine whether the inserted disk is the original disk, that even if Nakashima was somehow combined with Howard, that the resulting combination would not suggest that a unique medium identifier is read before the updating of the file, nor would such a combination suggest that updating of location information is suppressed if the read medium identifier does not match the held medium identifier information.

In view of the foregoing, Applicants respectfully submit that the combination of Howard and Nakashima does not disclose, suggest or otherwise render obvious all of the features recited in claim 3. Accordingly, Applicants submit that claim 3 is patentable over the cited prior art, an indication of which is kindly requested.

Claims 4-12 depend from claim 3. Applicants respectfully submit that the remaining prior art references applied by the Examiner do not cure the deficiencies of Howard and Nakashima, as discussed above, with respect to claim 3. Accordingly, Applicants submit that claims 4-12 are patentable at least by virtue of their dependency, an indication of which is kindly requested.

Regarding new claims 16 and 17, Applicants note that each of these claims has been drafted so as to recite similar features as claim 3. In particular, regarding claims 16 and 17, Applicants note that each of these claims recites the features of reading, before the updating of the file, unique medium identifier information from the first recording medium, and holding the medium identifier information within a file-update apparatus; and reading, when the determining step is performed, medium identifier information from a recording medium of a processing target, comparing the read medium identifier information with the held medium identifier information, and suppressing the updating of the location information if the read medium identifier information does not match the held medium identifier information.

For at least similar reasons as discussed above with respect to claim 3, Applicants respectfully submit that the cited prior art references do not disclose, suggest or otherwise render obvious such features. Accordingly, Applicants submit that claims 16 and 17 are

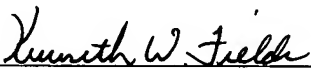
patentable over the cited prior art, an indication of which is kindly requested.

#### **IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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